

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

ANILKUMAR RAMESHBAI

§

Plaintiff,

§

vs.

§

2:15-CV-83

STATE AUTO PROPERTY & CASUALTY §
INSURANCE COMPANY §

Defendant.

§

Civil Action Number

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant State Auto Property & Casualty Insurance Company files this Notice of Removal pursuant to 28 U.S.C. §1446(a), and would respectfully show as follows:

I.
INTRODUCTION

1. Plaintiff is Anilkumar Rameshbai (“Plaintiff”); Defendant is State Auto Property & Casualty Insurance Company (“State Auto”). There are no other parties. *See Plaintiff’s Original Petition, attached as Exhibit “A - 1”.*
2. On May 29, 2015, Plaintiff filed Cause No. 15-O5-31392-MCV, *Anilkumar Rameshbai v. State Auto Property & Casualty Insurance Company*, in the 293rd Judicial District Court of Maverick County, Texas (the “State Court Action”). *See Exhibit “A - 1”.* Plaintiff’s suit alleges breach of contract, violations of the Texas Insurance Code, breach of duty of good faith and fair dealing, and fraud relating to storm damage allegedly suffered at Plaintiff’s home located at 552 N. Comal Street, Eagle Pass, Texas. *See Exhibit “A – 1”.*
3. Citation was issued and State Auto was served with the suit on July 10, 2015. *See Exhibits “A - 4” and “A - 6” and Affidavit of Sherri King, attached as Exhibit “B”.* State Auto

files this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007). State Auto filed an Answer in the 293rd District Court of Maverick County on July 24, 2015. See Exhibit “A - 7”.

4. Plaintiff has not filed any amended pleadings and no additional parties have been joined. The State Court’s Docket Sheet is attached as Exhibit “A - 9”.

II.
REMOVAL BASED ON DIVERSITY JURISDICTION

5. Pursuant to 28 U.S.C. §1332(a), State Auto removes this case as it involves a controversy between parties of diverse citizenship and an amount in controversy that exceeds \$75,000.

6. Plaintiff is a citizen of Texas. *See Exhibit “A - 1”*. State Auto is a foreign corporation organized under the laws of the state of Iowa with its principal place of business located at 518 E. Broad Street, Columbus, Ohio 43215. *See Exhibit “B”*.

7. Additionally, the amount in controversy exceeds \$75,000, excluding interest and costs. 28 U.S.C. §1332(a). Plaintiff’s Original Petition seeks “monetary relief over \$200,000 but not more than \$1,000,000.” *See Exhibit “A - 1”*.

8. State Auto is the only defendant in this action, therefore no consent is needed for the removal of this case to federal court.

9. An Index of Exhibits is attached as Exhibit “A”. Copies of all pleadings, process, orders, and other filings in the State Court Action are attached to this notice as Exhibits “A - 1” through “A - 9”, as required by 28 U.S.C. §1446(a).

10. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this District and within this Division.

11. State Auto will promptly file a copy of this notice of removal with the clerk of the court in the pending State Court Action.

III.
JURY DEMANDED

12. Defendant demands trial by jury.

IV.
PRAYER

WHEREFORE PREMISES CONSIDERED, Defendant State Auto prays that this case be removed to the United States District Court for the Western District of Texas, Del Rio Division, and that further proceedings in the State Court Action be discontinued, and that this Court assume full jurisdiction over such action as provided by law.

Respectfully submitted,

/s/Sterling Elza
Sterling Elza
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**ATTORNEY FOR DEFENDANT,
STATE AUTO PROPERTY & CASUALTY
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing was served upon the Plaintiff, by serving counsel of record, Larry W. Lawrence, Jr. and Michael Lawrence, of the Lawrence Law Firm, 3112 Winsor Rd., Suite A234, Austin, Texas 78703, (800) 507-4152, and Dan Cartwright and Lory Sopchak of the Cartwright Law Firm, LLP, 1300 Post Oak Blvd., Suite 760, Houston, Texas 77056, (713) 840-0046, via fax and certified mail return receipt requested, via fax and certified mail, return receipt requested, on this the 7th day of August, 2015.

/s/ Sterling Elza
Sterling Elza